

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Gilbert Sypher,

Plaintiff,

v.

Case No. 13-10007

Aetna Insurance Company,

Defendant.

Honorable Sean F. Cox
Magistrate Judge R. Steven Whalen

ORDER

ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

This is an ERISA case. In November 2012, Plaintiff Gilbert Sypher filed this action seeking payment of long-term disability benefits under a group disability insurance plan provided by his employer, Federal Express.

On May 20, 2013, Plaintiff filed a Motion for Summary Judgment. (Doc. #11). On that same date, Defendant filed a Cross Motion for Summary Judgment. (Doc. #12). The Court referred the motions to Magistrate Judge R. Steven Whalen for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. #13).

On March 4, 2014, Magistrate Judge Whalen issued a Report and Recommendation on both motions, recommending that this Court deny the Plaintiff's Motion for Summary Judgment and grant Defendant's Cross Motion for Summary Judgment. (Doc. #15).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. FED. R. CIV. P. 72(b)(2). "The district judge must determine *de*

novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3).

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. Furthermore, the Court agrees with the Magistrate Judge's recommendation. Therefore, the Court hereby ADOPTS the March 4, 2014 R&R. IT IS ORDERED that Plaintiff's Motion for Summary Judgment (Doc. #11) is DENIED, but Defendant's Cross Motion for Summary Judgment (Doc. #12) is GRANTED.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: March 25, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 25, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager